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In re Application of :
PUHAKKA et al. :
Application No.: 10/532,119 :
PCT No.: PCT/GB03/04635 :
Int. Filing Date: 27 October 2003 : DECISION
Priority Date: 25 October 2002 :
Attorney Docket No.: 12763/48401 :
For: CIRCUIT SUBSTRATE AND METHOD :

This is a decision on applicants' second renewed petition under 37 CFR 1.47(a) filed 15 November 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 October 2003, applicants filed international application PCT/GB03/04635, which designated the United States and claims a priority date of 25 October 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 April 2005.

On 21 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 05 April 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Heather McCann, a copy of a letter from Heather McCann to the nonsigning joint inventor Iain Benson, a declaration of inventors, and the required surcharge.

On 30 June 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that a clear statement of the last known address of Mr. Benson had not been provided and that the declaration must identify all of the inventors including any nonsigning inventors.

On 23 June 2006, applicants submitted a renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, two declarations of inventors.

On 13 September 2006, a decision was mailed dismissing applicants' renewed petition under 37 CFR 1.47(a) because the declarations of inventors filed 23 June 2006 were not in compliance with 37 CFR 1.497(a)-(b).

On 15 November 2006, applicants submitted the instant second renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 30 June 2006, items (1) and (2) have been satisfied.

As noted in the decision mailed 13 September 2006, item (3) has been satisfied.

Item (4) still has not been satisfied. The declaration of inventors filed 15 November 2006 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in one of the inventors between the published international application (Iain Benson) and the declaration of inventors (Ian Benson). It appears that there was a typographical error in the name of the inventor as indicated in the international application or declaration. If the error is in the declaration, a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) properly identifying all of the inventors and signed by all of the inventors except the non-signing inventor is required. If the error is in the international publication, an acceptable explanation is required.

A one-month extension of time fee has been charged to Deposit Account 11-0600.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed

within TWO (2) MONTHS from the mail date of this decision. A proper response would be a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) properly identifying all of the inventors and signed by all of the inventors except the non-signing inventor or an acceptable explanation of the difference in names if the error is in the published international application.

Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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